

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MELANIE DONUS, individually and on behalf of  
MICHAEL DONUS and DIMITRI DONUS and  
DENISE STROPKAY, individually and on behalf  
Of DAYNA STROPKAY, and DIANE COLLINS,  
Individually and on behalf of KATIE COLLINS,

Plaintiffs,

- Against -

GARDEN CITY UNION FREE SCHOOL  
DISTRICT and THE BOARD OF EDUCATION  
OF THE GARDEN CITY UNION FREE  
SCHOOL DISTRICT.

Defendants.  
-----X

13-CV-0479 (LDW)(SIL)

**STIPULATION OF**  
**DISCONTINUANCE**  
**WITH PREJUDICE**

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **MAY 25 2016** ★

LONG ISLAND OFFICE

**WHEREAS**, all claims of plaintiffs, Denise Stropkay, Dayna Stropkay, Diane Collins, Katie Collins, Melanie Donus, Michael Donus, and Dimitri Donus were previously dismissed by way of the December 12, 2013 Memorandum and Order of the Honorable Leonard D. Wexler, District Judge of the United States District Court for the Eastern District of New York and the Court's December 20, 2013 Judgment; and

**WHEREAS**, by way of Summary Order dated December 3, 2014 the United States Court of Appeals for the Second Circuit ("Second Circuit") affirmed in part and vacated and remanded in part the December 12, 2013 Memorandum and Order dismissing the Complaint and all claims on behalf of the plaintiffs against the defendants; and

**WHEREAS**, specifically, the Second Circuit affirmed dismissal of the plaintiffs' Complaint and all claims on behalf of the plaintiffs except for the discrimination and retaliation claims under the Americans with Disabilities Act ("the ADA"), Section 504 of the Rehabilitation Act of 1973 ("Rehabilitation Act"), and 42 U.S.C. § 1983 ("§ 1983) on behalf of Melanie Donus

and Michael Donus alleging that Michael Donus was not provided speech and occupational therapy specified in his Individualized Education Plan from January, 2013 to June, 2013, which were remanded to the United States District Court for the Eastern District of New York; and

**WHEREAS**, on March 24, 2016 the Honorable Leonard D. Wexler, District Judge of the United States District Court for the Eastern District of New York, ordered dismissal of the remaining remanded claims on behalf of plaintiff Michael Donus, leaving on the remaining claims of Melanie Donus for trial;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the parties to the above entitled action, that whereas no party hereto is an incompetent person for whom a committee has been appointed or conserved and no person not a party has an interest in the subject matter of the action, that the Complaint in this action and all claims on behalf of MELANIE DONUS as against the defendants, GARDEN CITY UNION FREE SCHOOL DISTRICT and the BOARD OF EDUCATION OF THE GARDEN CITY UNION FREE SCHOOL DISTRICT are hereby by withdrawn and discontinued, with prejudice, without costs to either party as against the other.

Dated: April 27, 2016

GILBERT LAW GROUP

By: 

Howard E. Gilbert, Esq.  
Attorneys for Plaintiffs  
425 Broadhollow Road, Suite 405  
Melville, New York 11747-4701  
(631) 630-0100

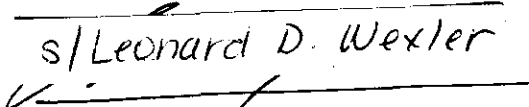
SILVERMAN & ASSOCIATES

By: 

Caroline B. Lineen  
Attorneys for Defendants  
445 Hamilton Avenue, Ste. 1102  
White Plains, New York 10601  
(914) 574-4510

Case closed.

So Ordered:  
May 25, 2016  
Central Islip, NY

  
LEONARD D. WEXLER, USDS